

Sec.		Sec.	
15e.	Distribution of damages.		(l) Penalties.
15f.	Actions by Attorney General.	21a.	Actions and proceedings pending prior to June 19, 1936; additional and continuing violations.
	(a) Notification to State attorney general.	22.	District in which to sue corporation.
	(b) Availability of files and other materials.	23.	Suits by United States; subpoenas for witnesses.
15g.	Definitions.	24.	Liability of directors and agents of corporation.
15h.	Applicability of parens patriae actions.	25.	Restraining violations; procedure.
16.	Judgments.	26.	Injunctive relief for private parties; exception; costs.
	(a) Prima facie evidence; collateral estoppel.	26a.	Restrictions on the purchase of gasohol and synthetic motor fuel.
	(b) Consent judgments and competitive impact statements; publication in Federal Register; availability of copies to the public.		(a) Limitations on the use of credit instruments; sales, resales, and transfers.
	(c) Publication of summaries in newspapers.		(b) Credit fees; equivalent conventional motor fuel sales; labeling of pumps; product liability disclaimers; advertising support; furnishing facilities.
	(d) Consideration of public comments by Attorney General and publication of response.		(c) "United States" defined.
	(e) Public interest determination.	26b.	Application of antitrust laws to professional major league baseball.
	(f) Procedure for public interest determination.		(a) Major league baseball subject to antitrust laws.
	(g) Filing of written or oral communications with the district court.		(b) Limitation of section.
	(h) Inadmissibility as evidence of proceedings before the district court and the competitive impact statement.		(c) Standing to sue.
	(i) Suspension of limitations.		(d) Conduct, acts, practices, or agreements subject to antitrust laws.
17.	Antitrust laws not applicable to labor organizations.	27.	Effect of partial invalidity.
18.	Acquisition by one corporation of stock of another.	27a.	Transferred.
18a.	Premerger notification and waiting period.	28.	Repealed.
	(a) Filing.	29.	Appeals.
	(b) Waiting period; publication; voting securities.		(a) Court of appeals; review by Supreme Court.
	(c) Exempt transactions.		(b) Direct appeals to Supreme Court.
	(d) Commission rules.	30 to 33.	Repealed.
	(e) Additional information; waiting period extensions.	34.	Definitions applicable to sections 34 to 36.
	(f) Preliminary injunctions; hearings.	35.	Recovery of damages, etc., for antitrust violations from any local government, or official or employee thereof acting in an official capacity.
	(g) Civil penalty; compliance; power of court.		(a) Prohibition in general.
	(h) Disclosure exemption.		(b) Preconditions for attachment of prohibition; prima facie evidence for nonapplication of prohibition.
	(i) Construction with other laws.	36.	Recovery of damages, etc., for antitrust violations on claim against person based on official action directed by local government, or official or employee thereof acting in an official capacity.
	(j) Omitted.		(a) Prohibition in general.
	(k) Extensions of time.		(b) Nonapplication of prohibition for cases commenced before effective date of provisions.
19.	Interlocking directorates and officers.	37.	Immunity from antitrust laws.
19a, 20.	Repealed.		(a) Inapplicability of antitrust laws.
21.	Enforcement provisions.		(b) Immunity.
	(a) Commission, Board, or Secretary authorized to enforce compliance.		(c) Treatment of certain annuities and trusts.
	(b) Issuance of complaints for violations; hearing; intervention; filing of testimony; report; cease and desist orders; reopening and alteration of reports or orders.		(d) Limitation.
	(c) Review of orders; jurisdiction; filing of petition and record of proceeding; conclusiveness of findings; additional evidence; modification of findings; finality of judgment and decree.	37a.	Definitions.
	(d) Exclusive jurisdiction of Court of Appeals.		
	(e) Liability under antitrust laws.		
	(f) Service of complaints, orders and other processes.		
	(g) Finality of orders generally.		
	(h) Finality of orders modified by Supreme Court.		
	(i) Finality of orders modified by Court of Appeals.		
	(j) Finality of orders issued on rehearing ordered by Court of Appeals or Supreme Court.		
	(k) "Mandate" defined.		

HISTORICAL NOTE

This chapter includes among other statutory provisions the Sherman Act, comprising sections 1 to 7 of this title, the Clayton Act, comprising sections 12, 13, 14 to 19, 20, 21, and 22 to 27 of this title and sections 52 and 53 of Title 29, Labor, the Wilson Tariff Act, comprising sections 8 and 9 of this title, the Robinson-Patman Price Discrimination Act, comprising sections 13, 13a, 13b, and 21a of this title, the "Expediting Act", sections 28 and 29 of this title, and the "Hart-Scott-Rodino Antitrust Improvements Act of 1976", comprising sections 15c to 15h, 18a, and 66 of this title. For complete classification of the Hart-Scott-Rodino Act, see Short Title note under section 1 of this title.

CONGRESSIONAL INVESTIGATION OF MONOPOLY

Joint Res. June 16, 1938, ch. 456, 52 Stat. 705, created a Temporary National Economic Committee which was

authorized to make a full investigation on monopoly and the concentration of economic power in and financial control over production and distribution of goods and services. The time for submitting the final report under Joint Res. June 16, 1938, ch. 456, 52 Stat. 705, as amended Apr. 26, 1939, ch. 104, §§1, 2, 53 Stat. 624, was extended to Apr. 3, 1941, by Joint Res. Dec. 16, 1940, ch. 932, 54 Stat. 1225. The committee's report was presented to Congress on Mar. 31, 1941, and was published in Senate Document No. 35.

EXECUTIVE ORDER NO. 12022

Ex. Ord. No. 12022, Dec. 1, 1977, 42 F.R. 61441, as amended by Ex. Ord. No. 12052, Apr. 7, 1978, 43 F.R. 15133, which related to the National Commission for the Review of Antitrust Laws and Procedures, was revoked by Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, set out as a note under section 14 of the Appendix to Title 5, Government Organization and Employees.

ANTITRUST ACTS AND LAWS DEFINED IN OTHER SECTIONS

Antitrust acts and laws are defined in sections 12, 44, 1311, 1802, 3301, 3503, 4002, 4021, 4301, 6211 of this title; title 10 section 7430; title 12 sections 1828, 1831u, 1841, 1849; title 16 section 2602; title 17 section 109; title 28 section 1407; title 30 sections 184, 1413; title 33 section 1502; title 40 section 559; title 42 sections 5417, 5909, 6202, 8235f, 9102; title 43 sections 1331, 1770; title 45 section 791; title 46 App. section 1702; title 49 sections 10706, 41308; title 50 App. sections 1941a, 2158.

§ 1. Trusts, etc., in restraint of trade illegal; penalty

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$10,000,000 if a corporation, or, if any other person, \$350,000, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.

(July 2, 1890, ch. 647, §1, 26 Stat. 209; Aug. 17, 1937, ch. 690, title VIII, 50 Stat. 693; July 7, 1955, ch. 281, 69 Stat. 282; Pub. L. 93-528, §3, Dec. 21, 1974, 88 Stat. 1708; Pub. L. 94-145, §2, Dec. 12, 1975, 89 Stat. 801; Pub. L. 101-588, §4(a), Nov. 16, 1990, 104 Stat. 2880.)

AMENDMENTS

1990—Pub. L. 101-588 substituted “\$10,000,000” for “one million dollars” and “\$350,000” for “one hundred thousand dollars”.

1975—Pub. L. 94-145 struck out from first sentence two provisos granting anti-trust exemption to State fair trade laws.

1974—Pub. L. 93-528 substituted “a felony, and, on conviction thereof, shall be punished by fine not exceeding one million dollars if a corporation, or, if any other person, one hundred thousand dollars, or by imprisonment not exceeding three years” for “a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding fifty thousand dollars, or by imprisonment not exceeding one year”.

1955—Act July 7, 1955, substituted “fifty thousand dollars” for “five thousand dollars”.

1937—Act Aug. 17, 1937, inserted two provisos.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-72, §4, Nov. 20, 2001, 115 Stat. 650, provided that: “This Act [enacting and amending provisions set

out as notes under this section] and the amendments made by this Act shall take effect on September 30, 2001.”

EFFECTIVE DATE OF 1975 AMENDMENT

Section 4 of Pub. L. 94-145 provided that: “The amendments made by sections 2 and 3 of this Act [amending this section and section 45 of this title] shall take effect upon the expiration of the ninety-day period which begins on the date of enactment of this Act [Dec. 12, 1975].”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-273, div. C, title IV, §14101, Nov. 2, 2002, 116 Stat. 1921, provided that: “This title [amending sections 3, 12, 27, and 44 of this title, section 225 of Title 7, Agriculture, section 1413 of Title 30, Mineral Lands and Mining, and section 2135 of Title 42, The Public Health and Welfare, repealing sections 30 and 31 of this title, enacting provisions set out as a note under section 3 of this title, amending provisions set out as notes under this section and section 8 of this title, and repealing provisions set out as notes under section 15 of this title and section 41309 of Title 49, Transportation] may be cited as the ‘Antitrust Technical Corrections Act of 2002’.”

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-72, §1, Nov. 20, 2001, 115 Stat. 648, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘Need-Based Educational Aid Act of 2001’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-297, §1, Oct. 27, 1998, 112 Stat. 2824, provided that: “This Act [enacting section 26b of this title and provisions set out as a note under section 26b of this title] may be cited as the ‘Curt Flood Act of 1998’.”

SHORT TITLE OF 1997 AMENDMENTS

Pub. L. 105-43, §1, Sept. 17, 1997, 111 Stat. 1140, provided that: “This Act [enacting and amending provisions set out as notes below] may be cited as the ‘Need-Based Educational Aid Antitrust Protection Act of 1997’.”

Pub. L. 105-26, §1, July 3, 1997, 111 Stat. 241, provided that: “This Act [amending sections 37 and 37a of this title and enacting provisions set out as notes under section 37 of this title] may be cited as the ‘Charitable Donation Antitrust Immunity Act of 1997’.”

SHORT TITLE OF 1995 AMENDMENT

Pub. L. 104-63, §1, Dec. 8, 1995, 109 Stat. 687, provided that: “This Act [enacting sections 37 and 37a of this title and provisions set out as a note under section 37 of this title] may be cited as the ‘Charitable Gift Annuity Antitrust Relief Act of 1995’.”

SHORT TITLE OF 1990 AMENDMENT

Section 1 of Pub. L. 101-588 provided: “That this Act [amending this section and sections 2, 3, 15a, and 19 of this title and repealing section 20 of this title] may be cited as the ‘Antitrust Amendments Act of 1990’.”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-544, §1, Oct. 24, 1984, 98 Stat. 2750, provided: “That this Act [enacting sections 34 to 36 of this title and provisions set out as a note under section 34 of this title] may be cited as the ‘Local Government Antitrust Act of 1984’.”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-290, title IV, §401, Oct. 8, 1982, 96 Stat. 1246, provided that: “This title [enacting section 6a of this title and amending section 45 of this title] may be cited as the ‘Foreign Trade Antitrust Improvements Act of 1982’.”